

The following is an Adobe Acrobat reproduction of the official

Notice of Intent to Delete

Aztec Mercury

from the

Texas Superfund Registry

as published in the

Texas Register

(23 TexReg 7135-7136)

on

July 3, 1998

A portion of the records for this site, including documents
pertinent to the TNRCC determination to delete, is
available for viewing with the site repository records

at

Alvin Branch Library

105 S. Gordon Street

Alvin, Texas

and/or

TNRCC Records Management Center

Austin, Texas

Scroll Down to View

hazardous waste management facility; RULES VIOLATED: 30 TAC §335.2(b) by sending containers containing hazardous waste off-site to facilities not authorized to receive hazardous waste; 30 TAC §335.10 by shipping hazardous waste off-site without a properly prepared manifest; and 30 TAC §335.12 by receiving hazardous waste without an accompanying properly prepared manifest; PENALTY: \$16,080; STAFF ATTORNEY: Kara Salmanson, Litigation Support Division, MC 175, (512)239-1738; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas, (713)767-3500.

(13)COMPANY: Mr. Stormy Nation; DOCKET NUMBER: 97-0540-OSI-E; ENFORCEMENT ID NUMBER: 12453; LOCATION: Cedar Creek, Bastrop County, Texas; TYPE OF FACILITY: on-site sewage facilities; RULES VIOLATED: 30 TAC §285.107(a)(5) and Texas Health and Safety Code, §366.071 by installing an On-Site Sewage Facilities system without having obtained the required certification; PENALTY: 2,000; STAFF ATTORNEY: Lisa Hernandez, Litigation Support Division, MC 175, (512)239-0612; REGIONAL OFFICE: 1921 Cedar Bend, Suite 150, Austin, Texas 78768-5336; (512)339-2929.

TRD-9810073
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation Commission
Filed: June 24, 1998



Notice of Public Hearing (Emergency and Temporary Orders)

Notice is hereby given that under the requirements of Texas Health and Safety Code, §382.017; Texas Government Code, Subchapter B, Chapter 2001; and 40 Code of Federal Regulations, §51.102 of the United States Environmental Protection Agency (EPA) regulations concerning State Implementation Plans (SIP), the Texas Natural Resource Conservation Commission (TNRCC or commission) will conduct a public hearing to receive testimony concerning revisions to 30 TAC Chapters 35, 116, 291, 297, 305, 321, and 334 and the SIP.

The commission proposes new Chapter 35 and amendments to the remaining chapters to consolidate the commission rules concerning emergency and temporary orders. This action is part of the commission's implementation of Senate Bills 1 and 1876, 75th Legislature, 1997. The rules will allow the commission or executive director to act expeditiously to address unforeseen circumstances and/or emergencies.

A public hearing on the proposal will be held August 3, 1998, at 2:00 p.m. in Room 2210 of TNRCC Building F, located at 12100 Park 35 Circle, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and answer questions before and after the hearing.

Comments may be submitted to Lisa Martin, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. Comments must be received by 5:00 p.m., August 3, 1998, and should reference Rule Log Number 97142-035-AD. For further information, please contact Brian Christian, Policy Research Division, (512) 239-1760.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

TRD-9809894
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation Commission
Filed: June 19, 1998



Public Notices

The executive director of the Texas Natural Resource Conservation Commission (TNRCC) by this notice is issuing a public notice of intent to delete (delist) a facility from the state Superfund registry (state Superfund list) of sites which may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment.

The site proposed for deletion is the Aztec Mercury State Superfund Site (the "site") which was originally placed on the state Superfund list on October 16, 1987 (12 TexReg 3538). The site is in Alvin, Brazoria County, Texas, at 970 Calloway Drive. The property is approximately 3.5 acres in size. Several buildings are on the property, including the property owner's residence, a former mercury distillation building, a covered work and storage area, and various other storage buildings. Drainage ditches are immediately north and east of the property. The surrounding area is residential.

From 1974 and 1979, mercury was recycled at this site. An enforcement order issued May 13, 1986, by the Texas Water Commission (TWC), predecessor agency to the TNRCC, required operations to cease. A partial removal was performed by a private party in 1985.

The TWC conducted a remedial investigation at this site. The objectives of the remedial investigation were to characterize and identify the contamination at the site. The investigation revealed two major areas of soils contamination, between the mercury distillation building and the residence, and between the mercury distillation building and the covered work area. Other areas with lower mercury concentrations were found around the covered work and storage area and the excavated pit along the north fenceline. Surface water samples collected at the site indicated that storm runoff, which carries contaminated sediments, was a continuing source of ditch contamination. Results of indoor air monitoring within the residence on site indicated no airborne mercury contamination. The risk assessment, which measured the degree of hazard at the site, indicated that action was necessary to eliminate an imminent and substantial endangerment to human health and the environment.

Soil and sediment removal actions by TNRCC began at the site in 1997, and were completed in February 1998. Confirmation sampling performed after the soils and sediment removal action confirmed that no soil or sediment containing mercury above the cleanup level remained onsite. The site was then backfilled with clean fill soil, graded to promote drainage, and vegetated.

Due to concentrations of mercury in the shallow ground water beneath the site that were found in excess of the Maximum Contaminant Level (under the Safe Drinking Water Act), additional ground water investigations were conducted in 1996 and 1997. Based on the results of this investigation, the ground water beneath the site was found to pose no unacceptable excess risk to human health or the environment.

As a result of the soil and sediment remedial action and the additional groundwater investigation, the executive director has determined that this site no longer presents an imminent and substantial endangerment to public health and safety or the environment and is therefore eligible

for deletion from the list of sites proposed for the state Superfund registry in accordance with 30 Texas Administrative Code (TAC), §335.344(c).

In accordance with 30 TAC §335.344(b), the TNRCC shall hold a public meeting to receive comment on this intended deletion. This meeting is not considered a contested case hearing within the meaning of Texas Government Code, Chapter 2001. This meeting shall be held upon initiation by the executive director or by requests filed with the executive director before 5:00 p.m., August 3, 1998. At least 30 days prior to the date set for the meeting, notice shall be provided by first class mail to all Potentially Responsible Parties and other interested persons, and by publication in a newspaper of general circulation in the county where the facility is located. The person submitting the request shall bear the cost of publication of this notice. The executive director does not intend to initiate a public meeting. If a public meeting challenging this intention to delete by the executive director is not requested by a potentially responsible party or any interested person(s) before the designated date, the Aztec Mercury State Superfund Site will be deleted from the state Superfund registry.

All inquiries regarding the Aztec Mercury State Superfund Site should be directed to Carol Boucher, TNRCC Project Manager, at (800) 633-9363 (within Texas only) or (512) 239-2501. A portion of the record for this site, including documents pertinent to the executive director's determination, is available for inspection and copying at the following location: Alvin Branch Library, 105 South Gordon Street, Alvin, Texas 77511, (713) 388-4300. Copies of the complete public file may be obtained during regular business hours at the TNRCC Central Records, Building D, North Entrance, Room 190, 12100 Park 35 Circle, Austin, Texas 78753, (800) 633-9363 or (512) 239-2920. Copying of file information is subject to payment of a fee.

TRD-9810067

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: June 24, 1998



The executive director of the Texas Natural Resource Conservation Commission (TNRCC) by this notice is issuing a public notice of intent to delete a facility from the state registry (state Superfund list) of sites which may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment.

The site proposed for deletion is the Hi-Yield State Superfund Site that was originally proposed for listing as a Superfund site on September 21, 1993 (18 TexReg 6486-6487). The Hi-Yield State Superfund Site is in northeast Texas, in and near the Norris community, Commerce, Hunt County, Texas. This site lies in the vicinity of Ross, Sycamore, and Johnson Streets. The former Hi-Yield Chemical plant began operations in the early 1950s, which included the distribution of insecticides and cotton defoliants, the formulation and packaging of such products, and the manufacture of arsenic acid and monosodium methyl-arsenate. The operations continued until 1972. Releases of arsenic from the former plant resulted in elevated levels of arsenic on the former Hi-Yield Chemical plant, in Sayle Creek, and in the surrounding residential areas.

On July 9, 1993, the TNRCC began the sampling and study of residential soils. The TNRCC documented, from an extensive sampling effort, elevated levels of arsenic and pesticides both on and off the Hi-Yield site, including residential lots in the surrounding

Norris community. Elevated levels of arsenic were also found in stream sediment in nearby portions of Sayle Creek and at its confluence with the South Sulphur River. Site characterization was accomplished through an Immediate Removal Action Investigation, the purpose of which was to determine the nature and extent of off-site related contamination and define the off-site characteristics for the Immediate Removal.

The investigation revealed approximately 200 acres of surface soil contamination surrounding the former Hi-Yield Chemical plant. The primary contaminant of concern was arsenic that was used in the manufacture of cotton defoliant. Arsenic concentrations in surface soils ranged from 0.5 to 550mg of arsenic per kilograms of soil (ppm). Additionally, background levels of arsenic were established for a radius between approximately 2400 and 9600 feet from the former Hi-Yield Chemical plant. The background level of seven ppm was determined in a study entitled *Determination of Background Arsenic Concentration in Surface Soils in the Vicinity of Commerce, Texas*.

On September 6, 1994, a legal notice was published in the *Texas Register* and the *Commerce Journal* stating that more than 3,300 laboratory analyses on 2,000 samples showed that arsenic in the soil posed a threat to public health and safety on the approximate 200 acres of residential and commercial property surrounding the former chemical plant site. The threat was considered too serious to delay action. The notice announced a public meeting at the City Hall in Commerce on October 25, 1994 to receive comments on a proposed immediate remedial action which was excavation and off-site disposal of contaminated soil. In October 1994 the Texas Natural Resource Conservation Commission asked the U. S. Environmental Protection Agency (EPA) to accept responsibility for the removal action at the Hi-Yield Site. In November 1994, the EPA took over responsibility for remediation of the site. In 1995 and 1996, EPA conducted removal actions for the nearby residential areas by removing surface soils (to a depth of 2 feet) with arsenic concentrations in excess of 20 ppm. The removal action included portions of Sayle Creek. To complete the removal, contaminated soil was concentrated in a pile on the former Hi-Yield Chemical Site, surrounded by a ditched slurry wall and then capped with clean soil and vegetation.

As a result of this study and removal action, the executive director has determined that this site no longer presents an imminent and substantial endangerment to public health and safety and the environment and is therefore eligible for deletion from the list of sites proposed for the state Superfund registry in accordance with 30 TAC §335.344(c).

In accordance with 30 TAC §335.344(b), the TNRCC shall hold a public meeting to receive comment. This meeting is not considered a contested case hearing within the meaning of Texas Government Code, Chapter 2001. This meeting shall be held upon initiation by the executive director or by requests filed with the executive director before 5:00 p.m., August 3, 1998. At least 30 days prior to the date set for the meeting, notice shall be provided by first class mail to all Potentially Responsible Parties and other interested persons, and by publication in a newspaper of general circulation in the county where the facility is located. The person submitting the request shall bear the cost of the publication of the notice. The executive director does not intend to initiate a public meeting. If a public meeting challenging this determination of eligibility for deletion by the executive director is not requested by a potentially responsible party or by any interested person(s) before the designated date, the Hi-Yield State Superfund Site will be deleted from the state Superfund registry.

All inquiries regarding the Hi-Yield State Superfund Site should be directed to Mr. Alonzo Arredondo, TNRCC Project Manager, at